

Barbara Tangwall
11925 Flyway Court
PO Box 140118
Salcha, AK 99714
907-888-7087 (Barb)

UNITED STATE DISTRICT COURT
DISTRICT OF ALASKA

RECEIVED
OCT 31 2019
Clerk, U.S. District Court
Fairbanks, AK

Barbara Tangwall,

Plaintiff,

v.

Case No: 4:19-cv-00011-MMS

George E. Buscher, Individually, jointly
And severally; Lois L. Buscher, individually
Jointly and severally; Zimmerman and Wallace
Individually, jointly and severally; Christopher E. Zimmerman,
Individually, jointly and severally; 49th Cartridge
Company, LLC, individually, jointly and severally;
David R. Dwyer, Jr. individually, jointly and severally;
Russell Z. Smith, individually, jointly and severally;
and unknown others, individually, jointly and severally,

Defendants.

SECOND AMENDED COMPLAINT

NOW COMES Barbara Tangwall and shows her Second Amended Complaint as follows:

I
JURISDICTION

1. Deprivation of property rights under color of law pursuant to 42 USC 1983.
The law of this case is laid out in attached Exhibit L.

II
VENUE

2. Venue is proper with this court in that all transactions occurred in Salcha, Alaska.

III
CONTROVERSY

3. Amount in controversy exceeds \$250,000.00.

IV
PARTIES

4. Plaintiff Barbara Tangwall (hereinafter Barbara) is a United States citizen whose residence is at 11925 Flyway Court, Fairbanks, Alaska 99701. See attached Exhibit A.
5. Defendant George E. Buscher (hereinafter George) is an individual whose mailing address is PO Box 83696, Fairbanks, Alaska 99708.
6. Defendant Lois L. Buscher (hereinafter Lois) is an individual whose mailing Address is PO Box 83696, Fairbanks, Alaska 99708.
7. Defendant Zimmerman and Wallace (hereinafter Wallace), attorneys for George and Lois, is an Alaskan professional corporation whose mailing address is 711 Gaffney Road, Suite 202, Fairbanks, Alaska 99701.
8. Defendant Christopher Zimmerman (hereinafter Zimmerman), personal attorney for George and Lois, is an Alaskan attorney-at-law whose mailing address is 711 Gaffney Road, Suite 202, Fairbanks, Alaska 99701.
9. Defendant 49th Cartridge Company, LLC (hereinafter Cartridge) is an Alaskan corporation whose address is 705 Birch Knoll Road, Fairbanks, Alaska 99712.

10. Defendant David Dwyer (hereinafter Dwyer) is an individual whose address is 705 Birch Knoll Road, Fairbanks, Alaska 99712.
11. Defendant Russell Smith (hereinafter Smith) is an individual whose address is 1930 Lynx Lane, Fairbanks, Alaska 99709.

V
BACKGROUND

12. Since 2011 Barbara's residence, uninterrupted, has been Flyway Court, Fairbanks, Alaska 99701.
13. On 4/2/2019, the Defendants unknown to Plaintiff recorded a disputed non-judicial foreclosure Trustee's deed.
14. On 4/3/2019, at approximately 5:00 p.m., Barbara's husband Donald arrived home at the Flyway Court property to find the locked barrier to the private road removed. Donald continued up the private road and arrived at the driveway to find a locked chain barrier across the driveway; Donald parked and walked the remaining 1/8 mile to the residence where Donald encountered a pickup truck. Upon entering the residence Donald found two men removing personal property. See attached Exhibit B. Donald confronted the men and told them to leave the property. They responded that they had purchased the real property and its personal contents from George and Lois; they stated the Buschers said their attorney gave them permission to sell the property, after which Donald asked them for papers that would give them authority to takeover this property. They produced a no trespassing sign they posted on the property which listed Buschers' attorney's phone number. See attached Exhibit C. No papers were produced and the State Troopers were called. Sgt. Mobley said he couldn't determine who was the rightful owner and that all should secure the property and leave.
15. On May 31, 2019, the Plaintiff became aware that the Defendants had initiated a Forcible Entry and Detainer action in the state court, Case No: 4FA-19-01974 CI.

16. Barbara and Barry Donnellan immediately filed a notice of removal to the United States District Court, Case No: 0-AKK-4-19-cv-000018-001. See attached Exhibit G.
17. On June 3, 2019, Barbara and Barry Donnellan noticed the state court in Case No: 4FA-19-01974 CI that the case was removed to federal court. See attached Exhibit H.
18. The blue pages of the state court, file number 4FA-19-01974 CI attached as Exhibit I, memorialize the state court proceedings of June 3, 2019, showing at 3:17:39 p.m. the court was fully aware of attached Exhibit H showing the case was removed to federal court.
19. On June 3, 2019, Zimmerman produced an affidavit to the state court. See attached Exhibit K. Zimmerman failed to disclose to the state court a case between the parties was pending in federal court in this instant case.
20. At 3:18:52 p.m. Zimmerman recited to the court the proceedings to date involving the Plaintiff and the Defendants. Zimmerman willfully, maliciously, and fraudulently did not disclose to the state court this instant case which was filed on 4/15/2019, also failing to disclose to Judge Hammers that there was a suit filed against them for unlawful seizure of the property.
21. At 3:26:36 p.m. Judge Hammers entered an order for alternative service without knowledge of the lawsuit pending in the federal court for unlawful seizure of the property.
22. At 3:36:11 p.m. the Hammers' court stated, "Once we get an order from the Federal Court we can go that way. Until we get that order this court retains jurisdiction."
23. Upon information and belief, the Defendants, after June 3, 2019, posted to the Plaintiff's residence a summons and complaint from the state court case.

COUNT I

DEPRIVATION OF CIVIL RIGHTS TO PEACEFUL ENJOYMENT OF RESIDENCE UNDER ALASKAN ATTORNEYS WALLACE AND ZIMMERMAN OPERATING UNDER THE COLOR OF ALASKA STATE LAW

24. All previous paragraphs are incorporated by reference herein.
25. George and Lois obtained a trustee's deed after a disputed non-judicial foreclosure held at 10:00 a.m. on 4/2/2019, at the Fairbanks' court building. George and Lois were represented by Wallace and Zimmerman in the foreclosure procedure. The judicial foreclosure is under review in the U.S. District Court, District of Alaska, case number 4:19-cv-00009. I have not voluntarily abandoned the residence and I have not received an eviction notice.
26. At all times the Defendants were represented by Wallace and Zimmerman, Alaska attorneys operating under the color of state law.

RELIEF

27. Judgment against all the Defendants, individually, jointly and severally, in the amount exceeding \$250,000.00, amount certain to be determined after inspection of the residence and personal property.
28. Cost.
29. Interest.
30. Any other relief this Court deems just.

COUNT II

ALASKAN ATTORNEYS WALLACE & ZIMMERMAN AUTHORIZED THE UNLAWFUL SEIZURE OF PROPERTY UNDER COLOR OF ALASKA LAW

31. All previous paragraphs are incorporated by reference herein.
32. Wallace authorized the unlawful seizure of the property which is evidenced by attached Exhibit C. Wherein the Defendants, unknown to Plaintiff, at the time of this unlawful seizure posted no trespassing signs on the property which displayed Zimmerman and Wallace's office phone number.

RELIEF

33. Judgment against all the Defendants, individually, jointly and severally, in the amount exceeding \$250,000.00.
34. Cost.
35. Interest.
36. Any other relief this Court deems just.

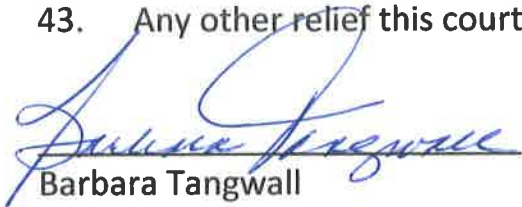
COUNT III

ZIMMERMAN OBSTRUCTED JUSTICE

37. All previous paragraphs are incorporated by reference herein.
38. Zimmerman is an officer of the court and is held to the highest standards of integrity. Zimmerman filed an affidavit to the court wherein he failed to disclose to the court that the issues were currently being litigated in this instant case. See attached Exhibit K.

RELIEF

39. Judgment against all the Defendants, individually, jointly and severally, in the amount exceeding \$250,000.00.
40. Judgment against all the Defendants, individually, jointly and severally, in the amount of \$500,000.00 for punitive damages.
41. Cost.
42. Interest.
43. Any other relief this court deems just.

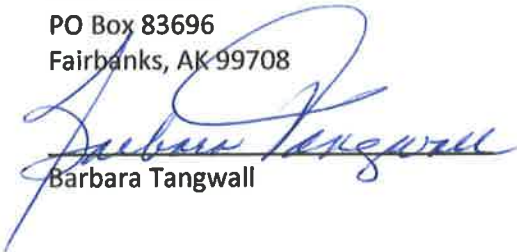

Barbara Tangwall

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the Defendants listed below by first class mail postage pre-paid on 30th of October, 2019.

George E. Buscher
PO Box 83696
Fairbanks, AK 99708

Lois L. Buscher
PO Box 83696
Fairbanks, AK 99708


Barbara Tangwall